

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

Claim 8. (Currently amended) A non-transitory computer readable medium comprising a page definition data structure and instructions which when executed by a processor are configured to display: content specifying the display of information describing a selected item; and content specifying the display of a shopping cart control that may be activated to add the selected item to a shopping cart to enable the ordering of the selected item from a distinguished one of a plurality of sellers, wherein items from multiple sellers can be added to the shopping cart, the distinguished seller being selected by offering the selected item for sale at the lowest price among those sellers of the plurality (1) that are offering the item for sale, (2) whose availability level for the selected item exceed a predetermined availability threshold, and (3) having a seller score that exceeds a predetermined score threshold.

REASONS FOR ALLOWANCE

Claims 3-11 and 33-72 are allowed.

The following is an examiner's statement of reasons for allowance.

Regarding independent claims 3, 7, 8 and 58, applicant's arguments of the Appeal Brief filed March 12, 2010 that while the prior art may teach the elements of the independent claims, it does not teach the claim when taken as a whole (pages 13, 18, 23 and 28) are persuasive. Thus, the independent claims 3, 7, 8 and 58 and dependent claims 4-6, 9-11, 33-57 and 59-70 are allowable over the prior art.

Claims 3, 7, 8 and 58 are allowable. Claims 71 and 72, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between claims 3, 7, 8, and 58 and claims 71 and 72, as set forth in the Office action mailed on October 16, 2009, is hereby withdrawn** and claims 71 and 72 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER COMMENT

The amendments to claim 8 are necessary to make the claim statutory under 35 USC §101 by only covering statutory computer readable media and specifically excluding non-statutory signals (*see* Kappos Memorandum of January 26, 2010).

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMEE A. SHAH whose telephone number is (571)272-8116. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amee A Shah/
Primary Examiner, Art Unit 3625

AAS
April 7, 2010